THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.943 of 2007

25.1.2007

Between:

Allareddy Vijayakumar Reddy, S/o.Syama Sundar Reddy

... Petitioner

AND

The Mandal Revenue Officer, Gudur Mandal, Nellore District

... Respondent

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.943 of 2007

ORDER:

The petitioner's father allegedly purchased land admeasuring Acs.4.38 in survey No.976/2A (Patta No.968) of East Gudur village of Gudur Mandal in Nellore District, in the name of the petitioner on 25.8.1967 by means of registered sale deed. The petitioner also shown the said land in the declaration filed by him under A.P. Land Reforms (Ceiling on Agricultural Holdings) Act, 1973 and he was declared as non-surplus landholder. Be that as it is, the respondent issued notice under Section 7 of A.P. Land Encroachment Act, 1905 (the Act, for brevity), calling upon the petitioner to show cause as to why he should not be evicted from survey No.976/2A to the extent of Acs.6.43. The petitioner immediately submitted explanation to the respondent denying the allegations of encroachment. The enquiry is still pending. In the meanwhile, alleging that the respondent is bent upon dispossessing the petitioner and not considering the objections raised by him, the present writ petition is filed.

After hearing the learned Counsel for the petitioner, this Court is of the view that the writ petition is wholly misconceived. If only the respondent is bent upon evicting the petitioner without due process of law, there was no necessity to issue notice under Section 7 of the Act. Such a notice is issued and the petitioner has submitted explanation. Therefore, this Court observes that the respondent may consider the explanation and pass appropriate orders within a period of two weeks from the date of receipt of a copy of this order.

The writ petition, with the above observations, is accordingly dismissed. No costs.

_____

(**V.V.S.RAO,J**)

January 25, 2007.

YS